

13 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LANCE P MCDERMOTT,

Plaintiff,

v.

JOHN P POTTER,

Defendant.

CASE NO. C13-2011-MJP

ORDER DENYING MOTION FOR A
MORE DEFINITE STATEMENT

This matter comes before the Court on Defendant's second motion for a more definite statement (Dkt. No. 29). Having reviewed the motion, the response, reply, and all related papers, the Court DENIES the motion.

Background

Plaintiff is an employee of the United States Postal Service who filed this complaint regarding various workplace decisions made by his employer. (Dkt. Nos. 1, 28). His first complaint totaled more than 40 pages. Defendant previously moved for a more definite statement on the basis "it cannot make sense of whether Plaintiff is suing for discrimination suffered during his employment with USPS or if the claim relates to the processing of his

1 complaint for discrimination. (Dkt. No. 26 at 3.) The Court granted the motion. (Id.) Plaintiff
2 filed an amended complaint.

3 Defendant again moves for a more definite statement arguing “Mr. McDermott still needs
4 to provide a more definite statement as to how Defendant allegedly violated Title VII and/or the
5 Rehabilitation Act so as to enable Defendant to formulate a response.” (Dkt. No. 29 at 3.) In
6 response to the motion, Plaintiff filed a third-amended complaint. (Dkt. No. 30.)

7 Discussion

8 A more definite statement may be sought if a pleading is so vague or ambiguous that a
9 defendant “cannot reasonably be required to frame a responsive pleading.” Fed.R.Civ.P. 12(e).
10 Motions for a more definite statement, however, are disfavored and “ordinarily restricted to
11 situations where a pleading suffers from unintelligibility rather than want of detail.” Hayton
12 Farms Inc. v. Pro-Fac Corp. Inc., No. C10-520-RSM, 2010 WL 5174349, at *4 (W.D.Wash.
13 Dec.14, 2010) (quotation omitted). If the opposing party is fairly notified of the nature of the
14 claim, the motion should be denied. Id.

15 The Court DENIES the motion. The grounds identified in Defendant’s motion are
16 insufficient to justify Plaintiff producing a fourth amended complaint. Instead, Defendant
17 identifies at least one potential basis to move for dismissal. (Dkt. No. 29 at 2.) The Court cannot
18 therefore find the complaint unintelligible, thus preventing Defendant from defending itself.
19 Finally, Plaintiff has filed a third amended, thus granting Defendant the relief it sought and
20 making the motion moot. The Court DENIES the motion.

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Conclusion

The Court DENIES Defendant's motion for a more definite statement, finding sufficient grounds to form a responsive pleading. The clerk is ordered to provide copies of this order to all counsel.

Dated this 5th day of June, 2014.



Marsha J. Pechman
Chief United States District Judge